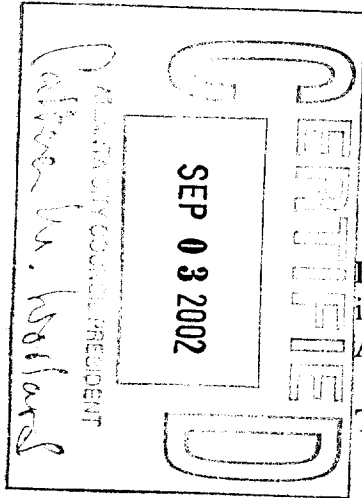


Entered - 08/01/02 - sb
CL02L0515 - DIANNE C. MITCHELL

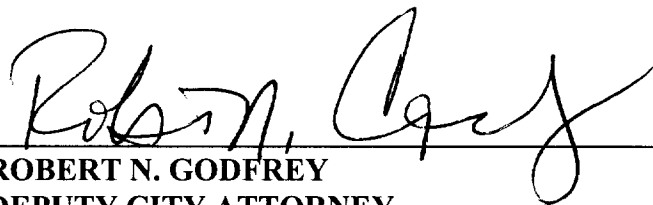
CLAIM OF: **JOHN WALDEN,**
through his attorney,
Christopher W. T. Daly
136 Fairground Street, NE
Suite 201
Marietta, Georgia 30060

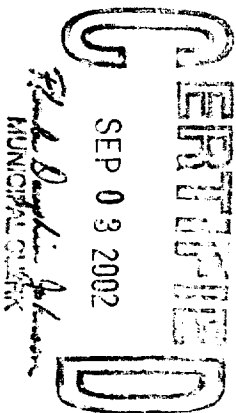
02-*R*-1429



For damages alleged to have been sustained as a result of personal injuries when a wall collapsed on him during a fire at 1730 Givens Avenue, NW on June 2, 2002.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY



ADVERSED
CITY COUNCIL SEP 03 2002

ADVERSE REPORT

COMM: *Public Safety*

DATE: *8/22/02*

CHAIR: *[Signature]*

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

September 10, 2002

Christopher W. T. Daly
136 Fairground Street, NE
Suite 201
Marietta, Georgia 30060

02-R-1429

RE: John Walden

Dear Attorney Daly:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 3, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0515

Date: August 14, 2002

Claimant /Victim JOHN WALDEN
BY: (Atty) Christopher W. T. Daly
Address: 136 Fairground Street, NE, Suite 201, Marietta, Georgia 30060
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 07/16/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 06/02/02 Place: 1730 Givens Avenue, NW
Department Fire Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant, an Atlanta Gas Light Company employee, was injured when a wall collapsed on him during the Fire Department's attempt to extinguish a fire at the above location. The investigation determined that the claimant, without the knowledge of the Battalion Chief or other firefighters at the scene, attempted to return to the burning building to place a lock on the gas meter. There was no negligence on the part of the City or its employees in causing the claimant's alleged injuries. Furthermore, the City is immune from liability as set forth in O.C.G.A. §§36-33-1 and 3.

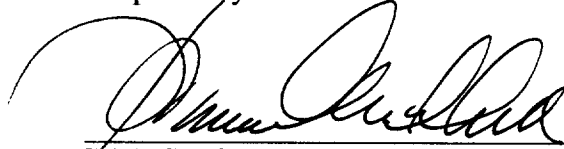
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: Concur/date 08/14/02
Committee Action: Council Action

RCS# 3953
9/03/02
1:47 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-1137; 02-R-1458

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
B Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

09/03/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA****ITEMS ADVERSE
ON CONSENT AGENDA**

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-1455 | 43. 02-R-1492 | 59. 02-R-1418 |
| 2. 02-O-1456 | 44. 02-R-1347 | 60. 02-R-1419 |
| 3. 02-O-1457 | 45. 02-R-1461 | 61. 02-R-1420 |
| 4. 02-O-1460 | 46. 02-R-1462 | 62. 02-R-1421 |
| 5. 02-O-1454 | 47. 02-R-1471 | 63. 02-R-1422 |
| 6. 02-O-1336 | 48. 02-R-1484 | 64. 02-R-1423 |
| 7. 02-O-1337 | 49. 02-R-1486 | 65. 02-R-1424 |
| 8. 02-O-1339 | 50. 02-R-1363 | 66. 02-R-1425 |
| 9. 02-O-1340 | 51. 02-R-1364 | 67. 02-R-1426 |
| 10. 02-O-1341 | 52. 02-R-1365 | 68. 02-R-1427 |
| 11. 02-O-1342 | 53. 02-R-1412 | 69. 02-R-1428 |
| 12. 02-O-1343 | 54. 02-R-1413 | 70. 02-R-1429 |
| 13. 02-O-1226 | 55. 02-R-1414 | 71. 02-R-1430 |
| 14. 02-O-1446 | 56. 02-R-1415 | 72. 02-R-1431 |
| 15. 02-O-1465 | 57. 02-R-1416 | 73. 02-R-1432 |
| 16. 02-R-1370 | 58. 02-R-1417 | 74. 02-R-1433 |
| 17. 02-R-1371 | | 75. 02-R-1434 |
| 18. 02-R-1372 | | 76. 02-R-1435 |
| 19. 02-R-1373 | | 77. 02-R-1436 |
| 20. 02-R-1374 | | 78. 02-R-1437 |
| 21. 02-R-1375 | | 79. 02-R-1438 |
| 22. 02-R-1376 | | |
| 23. 02-R-1378 | | |
| 24. 02-R-1379 | | |
| 25. 02-R-1380 | | |
| 26. 02-R-1392 | | |
| 27. 02-R-1468 | | |
| 28. 02-R-1480 | | |
| 29. 02-R-1481 | | |
| 30. 02-R-1482 | | |
| 31. 02-R-1483 | | |
| 32. 02-R-1385 | | |
| 33. 02-R-1479 | | |
| 34. 02-R-1369 | | |
| 35. 02-R-1439 | | |
| 36. 02-R-1440 | | |
| 37. 02-R-1495 | | |
| 38. 02-R-1500 | | |
| 39. 02-R-1501 | | |
| 40. 02-R-1386 | | |
| 41. 02-R-1388 | | |
| 42. 02-R-1491 | | |

1st Consent I Vote: 14Yeas; 0 Nays (See RCS #3953)
Items Removed from Consent: 02-R-1137; 02-R-1458